

FBI Memo on "FISA Mistakes"

Key to Acronyms:

ELSUR - Electronic Surveillance

FISA - Foreign Intelligence Surveillance Act

ITOS - International Terrorism Operations Section

NSLU - National Security Law Unit

OIPR - Office of Intelligence Policy and Review (DOJ)

UBL - Presumably "Usama bin Laden" (consistent with U.S. gov't designation)

APR 07 '00 04:59PM FBI EXF ESI-4

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From: [REDACTED]
 To: BOWMAN, SPIKE (MARION) [REDACTED]
 Date: 4/5/00 5:29PM
 Subject: [REDACTED]

I just received a call from [REDACTED] at OIPR. To state that she is unhappy with ITOS and the UBL Unit would be an understatement of incredible proportions. I will try to relate what [REDACTED] thinks has happened with the above named FISA.

[REDACTED] secured an ELSUR FISA very quickly on [REDACTED] at the request of [REDACTED] states that she was assured that the FBI had special software which could do what the FBI said it could do. In fact [REDACTED] states that the technical people in Quantico approved the FISA language.

The FBI technical people went to install the FBI software a [REDACTED] to accomplish the electronic surveillance on March 16:

The software was turned on and did not work correctly. The FBI software not only picked up the E-Mails under the electronic surveillance of the FBI's target, [REDACTED] but also picked up E-Mails on non-covered targets. The FBI technical person was apparently so upset that he destroyed all the E-Mail take, including the take on [REDACTED] is under the impression that no one from the FBI [REDACTED] was present to supervise the FBI technical person at the time. Now the FBI technical people want to run a new software experiment at the carrier to see if it works.

[REDACTED] states that OIPR was never told that the FBI software was experimental. OIPR was informed that it would work. The FBI technical people are still trying to make it work in [REDACTED] and want to resume the electronic surveillance. The FBI people in [REDACTED] also want a physical search warrant to pick up the E-Mails from the carrier, which the FBI picked up on the target, but destroyed.

[REDACTED] informed me that the FBI does not have the authority to resume electronic surveillance until she receives a written explanation of what has happened and she files something with the court. Obviously, she has no intention of securing a search warrant either until this is straightened out.

When you add this story to the FISA mistakes covered in the E.C. I have prepared to go to the field, and which is in NSLU for signature before it goes to [REDACTED] for his signature, you have a pattern of occurrences which indicate to OIPR an inability on the part of the FBI to manage its FISAs.

[REDACTED] and [REDACTED] please see me ASAP.

Thanks
 [REDACTED]

CC: [REDACTED]

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